G. R. S. 58]

Previous references.

Ref. re Draft Yelandur Jaghir Regn
Legis 24-11-16.
— 8-12-42.

1915. 16
(Legis)

File No. 28-15

Serial Nos. 1—2

Later references.

confl coll^n no 205: (Vol II)
Legis 35-15 (6-12)

GENERAL AND REVENUE SECRETARIAT.

(20)

Preserve
DR
2.7.20

Serial Nos. 1—2

Part B for Mar. 16

SUBJECT.

Protest by the Jaghirdar of Yelandur against the order of Govt reallotting the annuities under the Jaghir Regulation

2) To The Jaghirdar of Yelandur
No. J. 3294 Dy. 14-2-16
Intimate that Govt regret their inability to comply with the request

W D 1351—GPB—20,000—13-12-15

Mysore
11/2/16.

G. R. S. 11] 191 5.

GENERAL AND REVENUE SECRETARIAT.

(Legis)

NOTES.

File No. 28/5.

FILE HEADING.

Protest by the Jahgirdar of Yelandur against the orders of Govt fixing the annuities payable to Lady Krishnamurthy and Srinivasamma Purnaiya

From

The Jahgirdar of Yelandur

No. 829 Dated 19/11/15 Received 20/11/15

Diary No.	Enclos. —	Spare Copies. —	Serial No.
J 1383			1

BRIEF ABSTRACT OF LETTER.

Protests against the order of Govt in J 1366-8 - Legis 8-12 dated 5th Oct: 1915 and requests that (i) the execution of the order be held in abeyance, (ii) that a reference by Govt be made to the Chief Court under sec: 6 clause (1) of the Yelandur Jahgir Regn and (iii) that the claims be disposed of in accordance with clause (4) of the same section

NOTES AND ORDERS.

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Subd. with previous references.

3/12/15 P.M. 2) The Jaghirdar in his letter explains in details his objections to the order of Govt

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General and Revenue Secretariat.

Legs File No. 28 of 1915-16

Serial No.

recently passed.

3) Submitted for orders.

Sg
4/12

Asst. Member)

4) ~~Despose~~ I can see no other way of disposing of this case than saying summarily that Government do not see any reason to revise the order already passed.

5) If the Petr has paid up to Lady Kr. at 10000 Rs already, of course he need not pay again for that period.

6) The case may be considered at a meeting of Council ~~or Subcommittee~~. Of course no revision can be ordered except after submission to His Highness.

Dewan 8/12/15

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9.12.15

7) The case may be considered at a meeting of Council?
16.12.15

9/12/15
Sg
9.12

8) CS
Circulate
M 16/12/15
Sg 16/12

Dewan 20.12.15.

LCM.
17/12/15

NOTE—Contn. sheet.

GPB—20,000—30-6-15

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G. R. S. 12]

General and Revenue Secretariat. Legn File No. 28 of 1915 16

Serial No.	
(10)	Final Note & D.S.N are put up. — Dewan Bahadur 24/1

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24-1-16

NOTE—Contn. sheet.

GPB—20,000—30-6-15

(3)

Extract from the Proceedings of the 370th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 6th January 1916

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14. SUBJECT. - (Outside the Schedule).

Petition from the Jaghirdar of Yelandur praying for a re-consideration of the recent order of Government re-allotting the annuities under the Jaghir Regulation.

OPINION OF THE COUNCIL.

A reply may be sent to the effect that Government regret their inability to comply with the request.

Sd. M. Visvesvaraya,
Dewan of Mysore.

"EXTRACT"

D. M. Narasimha Rao 7/1
Secretary to Government,
General Department.

W. D. 1364—GPB—500—14-12-15

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Submitted to His Highness.

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10) I submit herewith a final note by the First Member of Council on the petition from the Jahgirdar of Yelandur praying for a reconsideration of the recent order of Government No.J.1366-8/Legis.8-12-42 dated 5th October 1915 reallotting the annuities under the Jahgir Regulation.

11) 2. The matter was discussed in Council who are of opinion that a reply may be sent to the effect that Government regret their inability to comply with the request.

12) 3. If approved, a reply will be sent accordingly.

M. Visvesvaraya
18/10/1916

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Final Note by the First Member of Council.

Subject:—

a Petition from the Jahagirdar of Yelandur praying for a reconsideration of the recent order of Government reallotting the annuities under the Jahagir Regulation.

13) On 12th August 1912 an order was passed declaring Mr. Narasinga Rao Purnaiya as Jahagirdar of Yelandur, in succession to the late Sir P.N.Krishnamurthi and as a consequential arrangement the annuities payable to the members of the 1st Branch of Dewan Purnaiya's family were readjusted as follows :-

Lady Kaveri Bai Krishnamurthi	Rs.10000
and Mr. Narasinga Rao Purnaiya	Rs. 6000

14) b. On this order protests were received both from Mr. Narasinga Rao Purnaiya, and from Mr. Srinivasamurthi Purnaiya, sons of the late Mr. P.N.Purnaiya. The first complained that Lady Krishnamurthi was not entitled to any annuity at all and that even if she was entitled to any portion, it was only to Rs.6000 a year, the portion fixed in the Regulation for the late Jahagirdar Krishnamurthi The second complained that in the adjustment of annuities his claim had not been considered and that he as the brother of the present Jahagirdar was entitled to get Rs.10000 a year, viz the amount of annuity that had been fixed in the Regulation for his father as the brother of ~~th~~ the then Jahagirdar.

15) Attempts were also made for an amicable settlement of the disputes of the several claimants but without success.

16) The claims were all then carefully considered

(6)

and an order was passed on 5th October 1915 readjusting again the several annuities payable to the members of the 1st Branch as follows :-

(1) Lady Kaveri Bai to get an annuity of Rs.6000 together with an additional life annuity of Rs. 4000.

(2) Mr. Narasinga Rao Purnaiya and Mr. Srinivasamurthy Purnaiya sons of the late Mr. P.N.Purnaiya each to get an annuity of Rs.5000.

This was ordred to take effect from the date of the death of Sir P.N.Krishnamurthi.

17) The Jahagirdar Mr. Narasinga Rao Purnaiya now prays for the reconsideration of this order. The grounds on which the Jahagirdar prays for reconsideration are contained in his petition, their gist being that in arriving at both the decisions, Government has gone against the express provisions of the Regulation. There was as I have noted more than once an initial error in this respect, when Rs.10000 was sanctioned to Lady Krishnamurthi. As it was not considered expedient to alter the amount subsequently, and as it would be too hard on the younger brother of the Jahagirdar that his share of his father's annuity should be lessened by Rs.2000, the revised order of 5th October 1915 was passed. The effect of this was to correct the error of the earlier order in reducing the annuity of Mr. Purnaiya heritable by his two sons after their father's death to Rs.6000. At the same time, it was considered hard to reduce the pension of Lady Krishnamurthi and so it was directed that Rs.4000 should be taken out of surplus of Jahagir revenue to add to Rs.6000 inherited from her husband.

18) This no doubt is contrary to the terms of the Regulation as the Jahagirdar contends. But it was understood that Mr. Narasinga Rao was willing to pay the Rs.4000 for her life, though probably he intended that it should be found by both the brothers. As a matter of approximate equity, Government passed the last order without regard to the Regulation governing the case.

19) In respect of the adjustment of Mr. Srinivasamurthi's claim also, the technical objection of the Jahagirdar seems

(7)

correct. But a petition had been submitted by the claimant to the Jahagirdar and the latter's order that he could not dispose of it before Government Order was passed on his petition for revision may perhaps be taken as final and as giving jurisdiction to Government to entertain an appeal under Section 5 (3). At any rate, the objection being a mere technical one and the division being correct under the Hindu Law and the Regulation, it need not be seriously considered.

20) Personally, I have all along in this case been for the position, that Government should decide the case strictly according to law, and that the fact of jurisdiction being given to it, should not vary the ordinary provisions of substantive law applicable to the case. But as this view did not prevail, some means had to be adopted to make the final order of Government as conformable as possible to the provisions of law. The last order of Government was an attempt in this direction, and if we are to be consistent with it, the only course seems to be that a more or less summary order should be passed without entering into a controversy about the force of the reasons now advanced for reconsideration.

21) It is too late now to think of a reference to the Chief Court, which in fact would be seen to be quite unnecessary if the various opinions already on record in the files relating to the matter are perused.

22) The matter was considered in Council who are of opinion that a reply may be sent to the effect that Government regret their inability to comply with the request.

H. Manjunadayya

Dated 19/1/16

FIRST MEMBER OF COUNCIL.

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8

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

A representation from the Jaghirdar of Yelandur for a reconsideration of the recent order of Government fixing the annuities under the Jaghir Regulation.

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Order.

23) ~~KRW~~
5/2/16

Lankary
12-2-16 RO

18/2/16

STATEMENT OF CASES SUBMITTED FOR THE ORDERS OF HIS HIGHNESS THE MAHARAJA DURING THE TOUR OUTSIDE THE STATE IN February **1916.**

Serial No.	Subject	Recommendation of Council, or Member of Government in charge, as the case may be	Dewan's recommendation	Orders of His Highness	Orders regarding submission of files (*vide* foot-note)
20	A representation from the Jaghirdar of Yelandur for a reconsideration of the recent order of Government fixing the annuities under the Jaghir Regulation.	Opinion of Council. A reply may be sent to the effect that Government regret their inability to comply with the request.	If approved, a reply will be sent accordingly. 1.2.16.		C 6.2.16

NOTE.—The letter a, b or c may kindly be inserted by the Private Secretary to His Highness in the last column to indicate whether—

File may be submitted at once ... ... a
File may be submitted after His Highness' return ... ... b
File may not be submitted at all c

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General and Revenue Secretariat. Legis File No. 28 of 191 5

	Serial No.	
✓	24)	Subd. with a draft order
		14/2/16
	25)	Issue at once
		GB 14/2
1/3	1	To The Jagheedar
		Selandur
		No J 3294 14-2-1916
		States that Govt regret their
		inability to comply with the
		request.

NOTE—Contn. sheet.

GPB—20,000—30-6-15

No 829

Office of the Jaghirdar of Yelandur,
Dated Camp Kolar,
19th November 1915.

DIARY No. J 1383

1915-1916
SECTION Legis
FILE No. 8-12-28
SERIAL No. 1

To

The Secretary to the Government of Mysore,
General Department,
Bangalore.

Sir,

I beg to acknowledge the receipt of Government order No: J 1366-8 Legis, 8-12-42, dated the 5th October 1915 and to state that I first asked for copies of the representations, if any, made to Government by Lady Krishnamurti and Mr. Srinivasamurti Purnaiya but I was informed that the question of granting the copies would be decided later on. But this was not decided. I therefore applied for a copy, of Mr. Srinivasamurti Purnaiya's representation regarding annuity read in the Government order of the 5th October 1915 and I received it on the 14th idem. Accordingly I am now in a position to submit the following representation for the orders of Government.

2 As the Government order No: J 404-7 Legis 24-11-15 dated the 12th August 1912, fixing the annuities payable to the first branch of Dewan Purnaiya's family was opposed to the terms of the Regulation under which it purports to have been made, I submitted a petition for review, dated the 31st August 1912, praying for the favour of a legal order in the case.

3 The order passed on the review application, viz the Government order of the 5th October 1915 referred to in para 1 above, unfortunately places the Jaghirdar in a much worse position and runs counter to certain additional provisions of the Yelandur Jaghir Regulation. The illegality is so manifest as to suggest the inference that probably some mistake has unwittingly occured and that in order to

to secure redress it is sufficient to draw the attention of Government to the legal provisions.

4 To make my contentions easily intelligible, the main points of the decisions of Government will be recaptulated very briefly. Two annuities fell vacant at different times under Section 3 of the Regulation:- viz (i) Rs 6000 in December 1911 by the death of Sir P. N. Krishnamurti: & (ii) Rs 10000, by the death of Mr. P. N. Purnaiya in August 1911. The Government order of the 12th August 1912 conferred the latter annuity of Rs 10000 on the widow of Sir P. N. Krishnamurti and the former annuity of Rs 6000 on myself, without including my brother.

The recent order of Government, dated the 5th October 1915, confers the annuity of Rs 6000 on Lady Krishnamurti plus an annuity Rs 4000 payable to her out of the surplus income of the Jaghir during her life time and also an annuity of Rs 5000 each out of the annuity of Rs 10000, on myself and my younger brother: This order is to take effect from the date of Sir P. N. Krishnamurti's death i.e. December 1911.

5 I shall first deal with the portion of the order relating to Lady Krishnamurti. In addition to the contentions raised in my review petition of the 31st August 1912, the following points among others are urged against the order;-

(1) The order is anomalous in as much as it confers a larger amount of annuity, in the aggregate, on the widow than her husband himself had a right to, during his lifetime.

(2) The condition that the excess over Rs 6000 viz Rs 4000, should be paid out of the surplus is illegal- being directly opposed to the terms of Section 3 of the Yelandur Jaghir Regulation according to which " the remaider of the revenue of the said Jaghir, after payment of annuities above specified, shall be at the absolute disposal of the Jaghirdar of Yelandur for the time being.".

(3) The order of 5th October is to take retrospective effect from the date of the death of Sir P. N. Krishnamurti. But there is and can be, no surplus of past years out of which the excess could be met.

(13)

(4) The annuities having been fixed definitely, their variation is illegal.

(5) Even equity will be found against Lady Krishnamurti, should an impartial hearing be given to the parties.

6 The second part of the order giving an annuity of Rs 5000 to my younger brother from the date of Sir P. N. Krishnamurti's death is also illegal and unjustifiable for the following among other reasons:-

(i) The order is contrary to law as there has been no investigation into the claim made by Mr. Srinivasamurti Purnaiya and as Government had no jurisdiction to entertain it in the absence of an order of the Jaghirdar himself on the merits of the claim. Vide clause 3, Section 5 of the Yelandur Jaghir Regulation: The order has been passed without even giving a hearing to the Jaghirdar. Mr. Srinivasamurti Purnaiya preferred a caim to me on the 13th August 1912 and he was informed by me on the 15th August 1912 that no decision could be passed in regard to it until Government reconsidered their orders of the 12th August 1912. And Government were also informed of the same in my letter No. J 11 dated the 16th August 1912.

Legis 8-12-2
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(ii) My brother and myself became divided in interest in March 1913 and until then the entire annuity should be deemed as having been paid to me as the manager of the joint family.

(iii) The second order presumes that the annuity of Rs 10000 enjoyed by Mr. Purnaiya had been free and available from the date of Sir P. N. Krishnamurti's death. The presumption is altogether erroneous as payment at Rs 10000 was enforced and made under protest to Lady Krishnamurti up to the end of June 1915

These points are such as to demand a reference

a/b

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G.R.S. 28]

Legis. File No. 28 -15.

Serial No. 2.

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

( )

the 191

READ—

~~Letter~~ Petition No 829 dated 19th November 1915 from the Jahgirdar of Yelandur praying for a reconsideration of Govt. order No J 1366-8—Legis 8-12-~~15~~ dated 5th Oct. 1915 re allotment of the annuities under the Jahgir Regulation to the members

Date of issue 14/2/1916.

Signed by M.V. G. Seeniwasa Rao

~~ORDER THEREON. No.~~

over.

SUBJECT.

6)

~~The~~ payable to the first branch referred to in section 3 of the Gelandua Gahger Regulation, I of 1885.

Order thereon. - J 3294.

Government regret their inability to comply with the request.

Sd/ 14/2 Secretary to Govt

G. D

To

The Gahgurdar of Gelandua

27/2/16

VRL
14-2-16.